Unofficial Translation

(The articles related to maritime affairs only)

Law of the DPRK on the Prevention of Marine Pollution

Adopted by Decision No. 99 of the Standing Committee of the Supreme People's Assembly on 22 October, Juche 86(1997),
Amended by Decree No. 350 of the Presidium of the Supreme People's Assembly on 14 January, Juche 88(1999),
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Chapter 1 Fundamentals

Article 1 Objective

This Law is enacted for the purpose of establishing a strict and sound system in prevention of marine pollution to protect the quality of seawater and marine resources.

Article 2 Definitions

For the purpose of this Law:

1. Marine pollution means deterioration of seawater due to the introduction of several harmful substances into the sea by human activities.
2. Underwater operation means works done under the sea such as construction of breakwater, embankment, port and wharf, continental shelf structures and suboceanic resource prospecting or development
3. Ship means any type of floating means whatsoever operating on or under water for the purpose of transportation or other economic activities. Ship includes fixed or mobile offshore drilling units, as well. Any warship or racing boat shall be excluded.
4. Pollutants from ships mean such substances as, but not limited to, waste oil, oil residues (sludge), oily bilge water, cargo residues, sewage and garbage, hazardous substances and ballast water generated during the operation of ships.
5. Onboard pollution prevention equipment means the equipment used for the separation, storage and treatment of pollutants generated during the voyage and operation of ships and from accommodation of seafarers.
6. Ship Oil Pollution Emergency Response System means the system designed to mobilize the institutions, enterprises and organizations immediately to combat oil spills in accordance with the National Ship Oil Pollution Emergency Plan in case of oil spill incidents.

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Article 6 Exchanges and cooperation with regard to the prevention of marine pollution

The State should develop exchanges and cooperation with other States and international organizations with regard to the prevention of marine pollution.

… …

Chapter 5 Prevention of Marine Pollution from Ships

Article 41 Requirements for the Prevention of Marine Pollution from Ships

The prevention of marine pollution from ships is the important requirement for the prevention of marine pollution.

Relevant institutions, enterprises and organizations shall observe the established order related to the prevention of marine pollution from ships.

The prevention of marine pollution from ships engaged on international voyages shall be subject to this Law and the relevant international conventions ratified by the DPRK.

Article 42 Ship Design, Construction and Modification for the prevention of marine pollution

The institutions, enterprises and organizations engaged in ship design, construction or modification shall undertake their works in conformity with the relevant regulations and rules relating to the prevention of marine pollution.

The maritime administration organs shall properly conduct an examination or survey of the design, construction or modification of a ship to determine whether it conforms with the relevant regulations relating to the prevention of marine pollution.

Article 43 Provision of onboard pollution prevention equipment and pollutant removal means

Ships in service shall be fitted with such pollution prevention equipment and pollutant removal means as oil filtering equipment, incinerator and oil dispersant.

Standards for provision of pollution prevention equipment and pollutant removal means specific to a ship type and size are specified in the regulations associated with this Law..

Institutions, enterprises and organizations that intend to produce, change, modify or install and use pollution prevention equipment and pollutant removal means onboard ships shall obtain the approval from the maritime administration organs.

Article 44 Disposal of ballast water and pollutants from ships

Ships shall discharge ballast water and pollutants in the designated water areas according to the discharge limits.

Pollutants prohibited to be discharged into the sea shall be delivered to waste reception facilities. In this case, the ship and the reception facility shall keep a record of the delivery and receipt as well as retain the relevant verification documents.

Article 45 Prevention of marine pollution from offshore drilling unit and floating service facility

Relevant institutions, enterprises and organizations shall take necessary measures to prevent oil or other pollutant spill incident during operation of offshore drilling unit, supply facility and floating service facility.

Offshore drilling unit, and floating service and supply facility likely to cause marine pollution due to their technical faults shall not be put into operation.

Article 46 Handling, stowage and transport of hazardous substances

A ship that intends to carry hazardous substances shall prepare and submit the documents relating to the handling, stowage and transport to the maritime

administration organs for their approval.
The ship that intends to carry hazardous substances shall, in advance, inform the port authorities of the characteristics of those substances and precautions to be taken when handling the cargo.

Article 47 Maintenance of the documents related to the pollution prevention
Ships and institutions, enterprises and organizations owning or operating ships shall hold certificates, documents and record books, as appropriate, in conformity with the standards for the prevention of marine pollution.
Maritime administration organs shall issue certificates and documents related to the pollution prevention to the ships that comply with the standards for the prevention of marine pollution or inspect the relevant record books for the record-keeping.

Article 48 Installation and operation of reception facilities
The institutions, enterprises and organizations managing and operating ports, harbors, quays and barrages shall install, maintain and operate the waste reception facilities capable of receiving and treating pollutants including oil residues (sludge), oily bilge, sewage, garbage and noxious substances along with sufficient oil clean-up means such as oil booms and skimming equipment with a specified capacity.
Maritime administration organs shall establish the standards for installation of waste reception facilities and ensure their operation complies therewith.

Article 49 Prevention of pollution during construction, repair and dismantling of ships
Institutions, enterprises and organizations engaged in construction, repairing and dismantling of ships shall be provided with the relevant reception and treatment facilities lest oil, residue or other waste cause marine pollution during their operations.
Institutions, enterprises and organizations that intend to salve or dismantle sunken or stranded ships shall keep to the established order to take pollution control measures before undertaking the operations lest pollutants escape from the ships or their cargoes. In this case, the operation shall be subject to the approval by maritime administration organs.

Article 50 Certificate of Insurance or Other Financial Security in respect of Civil Liability for Bunker Oil Pollution Damage.
Relevant ships shall maintain the financial security to cover the liability of the registered owner for the pollution damage arising out of oil spill incidents and the Certificate of Insurance or Other Financial Security in respect of Civil Liability for Bunker Oil Pollution Damage attesting the insurance or financial security issued by maritime administration organs.

Article 51 Fuel Oil used onboard ships in service
Relevant ships shall maintain Oil Record Books in which quality and amount of bunkered fuel oil are recorded and retain the oil quality analysis data and oil samples.
The fuel oil record, quality analysis data and samples of fuel oil shall be retained for a period of three years.
Substandard fuel oil shall not be used onboard ships.

Article 52 Shipboard Oil Pollution Emergency Plan

The national maritime authority shall ensure that the National Ship Oil Pollution Contingency Plan is drawn up for the approval of the Cabinet.
The local maritime administration organs shall draw up local ship oil pollution contingency plans under the National Ship Oil Pollution Contingency Plan and obtain the approval from the relevant local organs of the people's power.
Relevant institutions, enterprises and organizations shall draw up their own ship oil pollution emergency plans respectively under the National or Local Ship Oil Pollution Contingency Plans and obtain the approval from the maritime administration organs concerned.
Every ship shall prepare the Shipboard Oil Pollution Emergency Plan, to be approved by the maritime administration organs.

Article 53 Ship Oil Pollution Emergency Response System
The national maritime authority shall establish a ship oil pollution emergency response system and organize in the areas of significance local marine environment protection coordinating agencies responsible for promptly responding to ship oil spill incidents and coordinate oil cleanup operations in cooperation with other relevant organs as set out in the oil pollution emergency plan concerned.
The funds accumulated in the Marine Environment Protection Fund shall be used for the pollution prevention including oil clean up.

Article 54 Preventive measures against marine pollution induced by handling of cargo or fuel oil
Institutions, enterprises and organizations managing and operating ships, ports, harbors and quays shall handle the cargoes or fuel oil according to the established procedures and practices lest the pollutants be released into the sea.

Chapter 6 Guidance and control over the prevention of marine pollution

Article 55 Leading organ of marine pollution prevention
Guidance over the marine pollution prevention shall be undertaken by the national authority of land and environment protection and other relevant organs under the coordinated leadership of the Cabinet.
The national authority of land and environment protection and other relevant organs shall undertake regular guidance over the marine pollution prevention.

Article 56 Supervision and Control over the marine pollution prevention
Supervision and control over the marine pollution prevention shall be undertaken by land and environment protection organs, maritime administration organs and other relevant organs which shall put in place the marine environment monitoring system and strengthen their supervision and control over the marine pollution prevention.

Article 57 Compensation for damage and post-damage restoration to the status quo ante
In case of violation of this law which results in marine environment pollution, the violator shall be liable either for compensation for damage or for post-damage restoration to the status quo ante.

Article 58 Responsibility for Marine Pollution
In case of marine pollution incidents, the institutions, enterprises and organizations

directly involved in the incident shall be responsible for the pollution, while in case of the marine environment contamination resulting from the failure to properly conduct coastal management, those with duty of care shall be responsible therefor.
In case of failure to properly conduct supervision and control over the work for prevention of marine pollution, relevant supervisory organs shall assume responsibilities therefor.

Article 59 Administrative responsibility
Administrative sanctions shall, as the case may be, be imposed on any official of institutions, enterprises and organizations or individual citizen who is to blame for the following cases:
1. in case where the pollutants have been discharged into the sea without permission or in excess of the limits for the environmental protection;
2. in case where the failure of proper coastal management within their responsibility has caused environmental pollution
3. in case where the purifying facility has not been provided or the unpurified sewage or industrial wastewater has been discharged into the sea;
4. in case where waste or garbage has been illegally dumped on the coast or in the sea;
… …

7. in case where the design, construction or modification of a ship fails to comply with the requirements for the prevention of marine pollution;
8. in case where the failure to dispose of ballast water and ship-source pollutants according to the established procedures has caused marine pollution;
9. a ship in service has not been provided with the certificates, documents and record books related to the pollution prevention as required by the regulations;
10. in case where port, terminal, estuary or barrage has not been provided with nor have regularly operated the facilities for reception and treatment of ship-source waste;
11. in case where the operation of marine drilling units, platforms and floating service facilities has resulted in the marine pollution due to their technical defects;
12. in case where they fail to comply with established procedures for handling, stowage and transport of harmful substances;
13. in case where the failure to properly establish the ship oil emergency response system has posed obstacles to the prevention of marine pollution;
14. in case where the reception and treatment facilities have not been provided when building, repairing or dismantling ships or the salvage or wreck removal operations have failed to comply with the established procedures thus causing marine pollution;
15. in case where full responsibility fails to be ensured in the supervision and control of the prevention of marine pollution; and
16. in case where other relevant requirements of this law have been violated.

Article 60 Criminal responsibility
Where any case referred to in Article 59 is judged criminal, criminal sanctions shall be imposed on the accountable official of institutions, enterprises and organizations or individual citizen in accordance with the relevant provisions of the Criminal Law.